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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|----------------|----------------------|---------------------|---------------------------------------|
| 10/821,173 | 04/09/2004 | Masachika Masuda | DAIN:768 | 8404 |
| 25944 7 | 590 08/08/2006 | • | EXAMINER | |
| OLIFF & BERRIDGE, PLC | | | KIM, SU C | |
| P.O. BOX 1993 | 28 | | | · · · · · · · · · · · · · · · · · · · |
| ALEXANDRIA, VA 22320 | | | ART UNIT | PAPER NUMBER |
| | * | | 2823 | |

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| · | | | | | | |
|---|---|--|--|--|--|--|
| | Application No. | Applicant(s) | | | | |
| | 10/821,173 | MASUDA ET AL. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Su C. Kim | 2823 | | | | |
| The MAILING DATE of this communication app Period for Reply | ears on the cover sheet with the c | orrespondence address | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period was pailure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE | I. nely filed the mailing date of this communication. D (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on 09 Ap | oril 2004. | | | | | |
| | action is non-final. | | | | | |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | | |
| closed in accordance with the practice under E | x parte Quayle, 1935 C.D. 11, 45 | 53 O.G. 213. | | | | |
| Disposition of Claims | | 9. | | | | |
| 4)⊠ Claim(s) <u>1-34</u> is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6) Claim(s) is/are rejected. | | | | | | |
| 7) Claim(s) is/are objected to. | | · | | | | |
| 8) Claim(s) $1-34$ are subject to restriction and/or 6 | election requirement. | | | | | |
| Application Papers | | | | | | |
| 9) The specification is objected to by the Examine | r.· | | | | | |
| 10) The drawing(s) filed on is/are: a) acce | | Examiner. | | | | |
| Applicant may not request that any objection to the | drawing(s) be held in abeyance. See | e 37 CFR 1.85(a). | | | | |
| Replacement drawing sheet(s) including the correct | ion is required if the drawing(s) is ob | jected to. See 37 CFR 1.121(d). | | | | |
| 11) The oath or declaration is objected to by the Ex | aminer. Note the attached Office | Action or form PTO-152. | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for foreign | priority under 35 U.S.C. § 119(a) |)-(d) or (f). | | | | |
| a) ☐ All b) ☐ Some * c) ☐ None of: | | | | | | |
| 1. Certified copies of the priority documents have been received. | | | | | | |
| 2. Certified copies of the priority documents have been received in Application No | | | | | | |
| 3. Copies of the certified copies of the prior | • | ed in this National Stage | | | | |
| application from the International Bureau | 1 1 | | | | | |
| * See the attached detailed Office action for a list | or the certified copies not receive | ed. | | | | |
| • | | | | | | |
| | | | | | | |
| Attachment(s) | | | | | | |
| Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4) L Interview Summary Paper No(s)/Mail Da | | | | | |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) Notice of Informal P | Patent Application (PTO-152) | | | | |
| Paper No(s)/Mail Date | 6) Other: | | | | | |

Art Unit: 2823

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, 9-20, & 24-31 are drawn to a semiconductor device, classified in class 257, subclass 678.
- II. Claims 5-8, 21-23, 32-34 are drawn to a method of fabricating a semiconductor device, classified in class 438, subclass 106.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by non-flat plate molding process.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species:

Species I, drawn to the first embodiment, the manufacturing process according Figs. 1(a)-9(d).

Art Unit: 2823

Species II, drawn to the second embodiment, the manufacturing process according Figs. 11(a)-18(b).

Species III, drawn to the second embodiment, the manufacturing process according Figs.22(a)-26(b).

The species are independent or distinct because they required different search that is independent one form the other.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, No generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

Art Unit: 2823

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Su C. Kim whose telephone number is (571) 272-5972. The examiner can normally be reached on Monday - Thursday, 9:00AM to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2823

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Su C. Kim 8/2/2006

> BROOK KEBEDE PRIMARY EXAMINER

Brook Keledi